

*REMARKS/ARGUMENTS**Applicants' Election*

Applicants elect, with traverse, the claims of Group F (claims 8-16) directed to a protein achieving an improved blocking efficiency derived from an HSP70 family protein, for further prosecution. Reconsideration of the restriction requirement is hereby requested.

Discussion of the Restriction Requirement

The subject application is a U.S. national stage application based on the international application PCT/JP2004/009785. The Office alleges that the inventions defined by the claims of Groups A-H do not relate to a single general inventive concept under PCT Rule 13.2 because they lack the same “special technical feature.” Under PCT Rule 13.2, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.2 defines the term “special technical feature” as meaning the technical feature that defines the contribution which each claimed invention, considered as a whole, makes over the prior art (see M.P.E.P. § 1893.03(d))

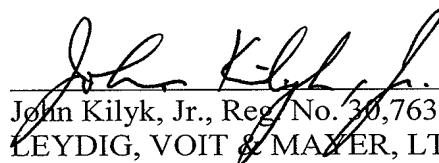
All of the claims of Groups A-H relate to a blocking protein, a method to prepare the blocking protein, and a method for screening for the blocking protein. Accordingly, the claims share a “special technical feature” as defined by PCT Rule 13.2. Moreover, a search for prior art with respect to any of Groups A-H would likely uncover references that would be considered by the Examiner during the examination of the other groups. As a result, the Examiner would incur no undue burden in examining the claims of Groups A-H at the same time. See also M.P.E.P. § 803 (“If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.” (emphasis added)).

In view of the foregoing, Applicants request that the requirement for restriction be withdrawn, if not in whole then at least in part, so that the claims of Groups A-H are examined together.

Conclusion

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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